

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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FEDERAL HOME LOAN MORTGAGE
CORPORATION, WELLS FARGO BANK,
N.A.,

Plaintiff,

VS.

SPICE CAP MANAGEMENT INC., *et al.*,

Defendants.

2:17-cv-01665-APG-VCF

ORDER

Before the Court is the Motion to Withdraw as Counsel (ECF No. 27).

Discussion

Local Rule IA 11-6 provides that “[e]xcept for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in this case.” This case is stayed. (ECF No. 5). Discovery has not started and trial date has not been set. There are no pending hearings or motions. Nevada Rule of Professional Conduct 1.16(a)(3) provides that a lawyer may withdraw if the “[t]he lawyer is discharged.” Here, Aaron R. Dean, Esq. and The Dean Legal Group, Ltd. seek to withdraw as counsel of record for Spice Cap Management Inc. since they were hired only to assist in the selling the property, and filing disclosures. (ECF No. 27 at 3).

Based on counsel's representation, the Court permits counsel to withdraw. *Id.* LR IA 11-6(b); NRPC 1.16(a)(3).

28 U.S.C. § 1654 provides that “[i]n all courts of the United States the parties may plead and conduct their own cases personally.” *See C.E. Pone Equity Trust v. United States*, 818 F.2d 696, 697 (9th

1 Cir. 1987). Although individuals may represent themselves pursuant to this statute, a corporation is not
2 permitted to appear in Federal Court unless it is represented by counsel. *U.S. v. High Country*
3 *Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). An individual also does not have the right to
4 appear on behalf of anyone other than himself. *Pope*, 818 F.2d at 697. The Ninth Circuit has permitted
5 motions to strike and motions to dismiss pleadings filed by *pro se* parties on behalf of entities including
6 trusts. *Id.* at 698; *United States v. Nagy*, C11-5066BHS, 2011 WL 3502488 (W.D. Wash. Aug. 10, 2011).
7 Spice Cap Management Inc. may not proceed *pro se*, as corporations must be represented by counsel.

8 The Court finds that permitting counsel to withdraw would not result in delay. LR IA 11-6. No
9 hearing has been scheduled and trial date has not been determined.

10 Accordingly, and for Good Cause Shown,

11 IT IS HEREBY ORDERED that Motion to Withdraw as Counsel (ECF No. 27) is GRANTED.

12 IT IS FURTHER ORDERED that Spice Cap Management Inc. must retain counsel by
13 March 16, 2018. Failure to comply with this order may result in a recommendation to the District Judge
14 for sanctions, including case-dispositive sanctions.

15 The Clerk of Court is directed to mail a copy of this order to the following address:

16 Spice Cap Management, Inc.
17 c/o Mail Link, LLC as Reg. Agent
18 848 N. Rainbow Blvd.
19 Las Vegas, Nevada 89107

20 DATED this 15th day of February, 2018.



21 CAM FERENBACH
22 UNITED STATES MAGISTRATE JUDGE
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